

REMARKS

Applicant thanks Examiner Musser for the helpful comments and suggested claim amendments as presented in her Examiner-Initiated Interview Summary of February 1 and the Advisory Action of February 6, 2007.

Rather than amend claim 15, Applicant adds new independent claim 22 which incorporates the Examiner's suggestions, as best understood by the undersigned attorney. In this regard, the process steps incorporate the word "then" to make more definite the sequential nature of steps. The new dependent claims 23 and 24 contain language suggested by the Examiner, but may, in fact, be redundant with respect to their parent claims 22 and 16, respectively.

N.B. Applicant **again** respectfully requests the Examiner to acknowledge both the claim for priority and receipt of the certified priority document filed on May 5, 2004.

As requested by the Examiner, Applicant cancels the non-elected claims 8-14 but expressly reserves the right to file a Divisional Application to prosecute these claims.

Applicant requests the Examiner to withdraw the objection to claim 17 in view of the above amendment which makes the grammatical correction suggested by the Examiner.

Applicant also respectfully requests the Examiner to reconsider and withdraw the rejection under 35 U.S.C. § 112, second paragraph, in view of the above cancellation of claim 15.

Applicant respectfully **traverses** the rejection of claims 15-21 under 35 U.S.C. § 103(a) as being unpatentable (obvious) over Vijuk '195 in view of Brown '220 and Vijuk '931, insofar as

this rejection may be applied to the new independent claim 22, its dependent claims 16-21, and the new dependent claims 23 and 24.

A primary basis for this traversal is that, Applicant respectfully submits, Examiner Musser must have impermissibly relied on the hindsight knowledge of Applicant's own disclosure in an attempt to find obviousness in the claimed subject matter.

With respect to Applicant's assertion of improper hindsight reconstruction of the disclosures of the three cited references, Applicant is particularly concerned with the Examiner's two following conclusory statements of obviousness with respect to claims 15 and 16, respectively:

It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply hot melt adhesive to regions of the web of Vijuk '195 prior to cutting it and then activate then after folding the web since Brown shows this is an obvious alternative to applying the adhesive after cutting and folding as taught by Brown (Col. 3, ll, 17-68) and since Vijuk '931 shows it is known to use hot melt adhesive with outserts like those of Vijuk '195.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to fold the double width carrier longitudinally so that the edges meet in the center to make a double layered web since Vijuk '931 discloses the carriers can be folded in two directions to make a double layered web and since this would allow formation of two adjacent double layered carriers and to perform this folding while the web is continuous since longitudinally folding a continuous web is simple.

Applicant incorporates herein by reference the still valid arguments and analyses presented in the Amendment filed on January 3, 2007, but respectfully asks the Examiner also

carefully to consider the following additional arguments in support of the traverse of the rejection under 35 U.S.C. § 103(a).

In this regard, Applicant's primary argument is that the subject matter of the now pending claims 16-24 would not have been *prima facie* obvious from the combined teachings of Vijuk '195, Brown '220 and Vijuk '931, for the following reasons.

I. First, a summary of the gist of the novel and unobvious claimed invention is provided once again by listing its individual steps, as follows:

- a) *The material web is provided with regions of glue of the "hot melt" type,*
- b) *after the glue regions are applied, they then harden, thereby making it possible to sever individual blanks from the web without any problems,*
- c) *the blanks with the hardened regions of glue are then completely folded while maintaining their double width, namely corresponding to the folding of a folding coupon,*
- d) *the selected legs of the folding coupon are then connected to each other by virtue of the correspondingly positioned regions of glue and the application of heat and pressure to them, and*
- e) *the double-width folded blank is then severed down the middle.*

The gist of the invention is, therefore, that the regions of glue are completely applied to the material before the blanks are severed, and in particular before the blank is folded.

Accordingly, the same folding process can then be conducted as the one used for a blank without areas of glue, since the hardened (hot melt) glue areas do not interfere with the folding process.

This also makes it possible to execute complex folding processes where the regions of glue lie on the inside of the material, since the glue has no adhesive properties before being reactivated.

II. The two Vijuk '195 and '931 references are relevant to the invention **only** to the extent that they also broadly relate to the production of folding coupons in which outer legs are joined to each other by adhesive bonding. **However**, the production process clearly differs from that of the claimed invention.

In **Vijuk '195** the process is as follows:

- a) *The blanks are first severed from a continuous material web,*
- b) *the blanks are then folded, specifically such that an outer tab (14) lies in a certain position,*
- c) *the outer tab (14) is then provided with spots of glue on its inner side and then folded around against the already folded (triple-)coupon, and*
- d) *afterwards, the three folding coupons are produced by the corresponding severing cuts.*

The above production process is described in Vijuk '195 in particular detail in column 5, starting at line 25. It is important to position the "last" folding tab 14 such that glue can be applied to it. Afterwards, a further, final folding step is necessary.

This process is disadvantageous because the partially folded blank, namely the one corresponding to the illustration at the middle of Fig. 1, must be transported along a section before glue is applied to it and is capable of unfolding during this time. Also disadvantageous is that the folding process is divided into two steps, while in the claimed invention a complete folding process is executed in one work step.

Vijuk '931 also proceeds in the same manner. The individual folding steps are illustrated in detail in Fig. 2 to Fig. 9. The glue spot is not applied until a folding position shown in Fig. 8 is reached, and the coupon is fixed in its final position. Vijuk '931 therefore notes that the gluing

station 45 is provided "immediately prior to the second folding station 35". Accordingly, Vijuk '931 also proceeds in principle such that the blank is first folded until almost all folding steps have been completed, namely until a position is reached as shown in Fig. 8. Glue is then applied. This is followed by a further folding step.

Vijuk '931 does refer to the possibility of using hot melt glue (column 7, line 1). But the type of glue employed in itself is naturally beside the point because only by taking advantage of the special technological characteristics of "hot melt" glue is a process within the meaning of the invention possible. What is decisive is that the gluing of the material is executed prior to the severing of the blank and in particular prior to the folding process.

III. **Brown '220** relates to a product from a different, non-analogous technical field and is not comparable to the claimed invention. Brown relates to the production of large-surface folded formations with strip-like glue regions. Due to the function employed, this glue can be only what is known as "cold glue", which is permanently adhesive and which takes effect immediately after the severing of a blank corresponding to Fig. 2 upon the folding of the blank. With respect to its process sequence, Brown proceeds such that glue is first applied to a continuous web. Afterwards, blanks are severed to form an envelope (Fig. 2). This is followed by folding to produce the connection with the help of the cold glue strips.

Thus, it is clear that there would not have been (and could not have been) any motivation to combine the teachings of the three references. Furthermore, even if, for some reason, the references were combined/modified as proposed by the Examiner, there would not be produced the subject matter of independent parent claim 22 or its dependent claims 16-21, 23 and 24, or

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subject matter which would have rendered these claims obvious. Since the three references do not teach, or even suggest, all the limitation of each of the claims 16-24, Applicant respectfully requests that the Examiner has not made out a *prima facie* case of obviousness.

Thus, Applicant respectfully requests the Examiner to reconsider and withdraw the rejection under 35 U.S.C. § 103(a), and to find the application to be in condition for allowance with claims 16-24; however, if for any reason the Examiner feels that the application is not now in condition for allowance, she is respectfully requested to **call the undersigned attorney** to discuss any unresolved issues and to expedite the disposition of the application.

Applicant files concurrently herewith a Petition (with fee) for an Extension of Time of two months. Applicant hereby petitions for any extension of time which may be required to maintain the pendency of this application, and any required fee for such extension is to be charged to Deposit Account No. 19-4880. The Commissioner is also authorized to charge any additional fees under 37 C.F.R. § 1.16 and/or § 1.17 necessary to keep this application pending in the Patent and Trademark Office or credit any overpayment to said Deposit Account No. 19-4880.

Respectfully submitted,

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